



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

022927
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TM02/0327

03/27/01

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/076,409	05/12/98	045	MYHRE, J 2162	03/27/01
First Named Applicant	WALKER, 35 USC 154(b) term ext. = 30 Days.			

TITLE OF INVENTION METHOD AND APPARATUS FOR GENERATING A COUPON

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2 WD2-97-563	705-014.000	E22	UTILITY	NO	\$1240.00	06/27/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.

09/076,409

Applicant(s)

Walker et al

Examiner

James Myhre

Group Art Unit

2162



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Appeal Brief filed January 9, 2001.

☒ The allowed claim(s) is/are 13-47, 49-53, and 55-59

☒ The drawings filed on May 12, 1998 are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☒ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

ERIC W. STAMBER
PRIMARY EXAMINER

Art Unit: 2162

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on January 9, 2001, PROSECUTION IS HEREBY REOPENED. A rebuttal to the Appeal Brief is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Examiner's Amendment

2. The following amendment to the claims have been agreed upon during the March 21, 2001 telephonic interview (paper no. 17) between the Applicant's representative and the Examiner.
- a. Claims 1-12, 48, and 54 are canceled.

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Claim Rejections - 35 USC § 101

3. The rejection of Claims 1-59 under 35 U.S.C. 101 in the office action of January 5, 2000 (paper no. 8) was persuasive is hereby withdrawn by the Examiner.

The Examiner notes that the method claims still active after the below Examiner's Amendment do not disclose that any of the steps are being performed within the technological arts. There is nothing in the claims that would preclude performing the mathematical calculations mentally and then manually printing the value onto a coupon. However, under present guidelines, this does not render the claims non-statutory as in the past.

Allowable Subject Matter

4. Claims 13-47, 49-53, and 55-59 are allowed.

5. The following is an examiner's statement of reasons for allowance:

a. Prior art was found which disclosed calculating a rounded purchase price and determining the difference between the purchase price and the rounded purchase price (Fiorini, "No Place For a Penny", pages 1 and 2), (Eleftheriou, 5,869,826), (LeStrange et al., 5,371,345), and (Mori, 5,200,889). Numerous other articles submitted by the Applicant (IDS, papers no. 2, 4, and 7) also disclose that methods which round up purchase prices are well known within the retail arts.

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b. The Examiner further notes that it is old and well known within the retail arts to "sell" coupons or coupon books (containing a number of coupons) for an amount less than the total worth of the coupon(s), e.g. a book of five \$10.00 car wash coupons which sells for \$40.00.

c. However, prior art was not found which disclosed that the price of the coupon(s) is determined by the difference between a purchase price and a rounded purchase price as in independent claims 13, 14, 43, 45, 47, 49-53, and 55-59. Nor would it have been obvious to one having ordinary skill in the art at the time the invention was made to offer a coupon with a value equal or greater than the rounding difference calculated by the cited references. Thus, the examiner considers this feature to be the novelty of the invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. The arguments presented in the Appeal Brief of January 9, 2001 were persuasive and resulted in the above withdrawal of all previous rejections.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Smith et al (6,085,164) discloses an apparatus and method for adjusting sales prices based upon projected demands and rounding the prices.

b. West (WO 9,750,064) discloses a system and method for issuing coupons at a POS terminal based upon the current purchase price. However, the value of the coupon is not dependent upon the difference between the purchase price and a rounded purchase price as claimed in the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 2100 is (703) 308-9051 or 9052. Draft or informal faxes for this Art Unit can be submitted to (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-3900.


JWM

March 22, 2001